

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#17  
B. Webb  
12/4/99

In re Application of:

Ningning Miao

Serial No.: 08/900,220

Filing Date: July 24, 1997

For: *Method of Treating Dopaminergic and  
GABA-nergic Disorders*



Art Unit: 1633

Examiner: M. Wilson

Atty Docket: ONV-044.01

Hon. Commissioner of Patents and Trademarks  
Washington, DC 20231

Petition under 37 C.F.R. 1.48(c) to Correct Inventorship

Dear Sir:

Applicants Ningning Miao, Monica Wang, Nagesh K. Mahanthappa, and Kevin Pang hereby petition the Commissioner to amend the above-identified application for letters patent by adding the name of Ping Jin as co-inventor.

REMARKS

This petition is submitted in accordance with 37 C.F.R. 1.48(c) to convert the above-identified application from an application of Ningning Miao, Monica Wang, Nagesh K. Mahanthappa, and Kevin Pang to an application of Ningning Miao, Monica Wang, Nagesh K. Mahanthappa, Kevin Pang, and Ping Jin. The addition of Ping Jin as inventor is necessitated by the addition of the claims in the preliminary amendment filed herewith.

11/15/1999 KZENDIE 00000027-08900220

03 FC:122

130.00 OP

ATTACHMENTS

Accompanying this petition are:

367515.1

(a) statements by the added inventor, Ping Jin, establishing that the error occurred without deceptive intent,

(b) a statement of consent by the assignee to the change of inventorship hereby petitioned,

(c) a declaration/oath of inventorship executed by Ping Jin as required by 37 C.F.R. 1.63.

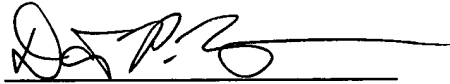
and

(d) copy of an assignment from the added inventor (to be submitted for recordation separately).

FEE PAYMENT (37 CFR 1.17(i))

A check in the amount of \$130.00 to cover the petition fee is enclosed. Please charge any additional fees and credit any overpayments to Deposit Account **06-1448**.

Respectfully submitted,  
FOLEY, HOAG, & ELIOT LLP



David P. Halstead  
Reg. No. 44,735  
Agent for Applicants

Dated: November 5, 1999

Patent Group  
Foley, Hoag & Eliot LLP  
One Post Office Square  
Boston, MA 02109-2170  
Telephone: (617) 832-1000  
Facsimile: (617) 832-7000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ningning Miao

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Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

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*Statement of Facts by Ping Jin*

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Sir:

I, Ping Jin, residing at 8 Westland Avenue, #3, Boston, MA 02115, hereby state that:

1. I was not named as an inventor in the above-identified application, hereinafter called the "referenced application", but the addition of claims filed herewith necessitates the addition of my name as inventor.
2. The referenced application was filed as an application of Ningning Miao, Monica Wang, Nagesh K. Mahanthappa, and Kevin Pang, and now presents claims directed to a nucleotide sequence encoding the human Desert hedgehog protein and the sequence of that protein.
3. The error in inventorship occurred without deceptive intent on my part.

The undersigned declares further that all statements made herein of his own knowledge are true and all statements made on information and beliefs are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Date: 10/30/99

  
\_\_\_\_\_  
Ping Jin

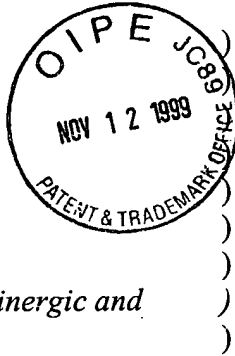
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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#18  
B. Webb  
12/4/99


Assistant Commissioner for Patents  
U.S. Patent and Trademark Office  
Washington, D.C. 20231

Consent of Assignee

Sir:

Assignee, Ontogeny, Inc., of 45 Moulton Street, Cambridge, MA 02138, a corporation organized and existing under the laws of the state of Delaware, hereby consents to Petitioners/Inventors' request to amend the inventorship under 37 C.F.R. §1.48(a), to add Ping Jin as co-inventor in the present application.

Respectfully submitted,  
Ontogeny, Inc.

By:   
Name: Raul Rodriguez  
Title: Senior V.P., Business Development  
Date: November 2, 1999



**Attorney's Docket No.: ONV-044.01**

**DECLARATION, PETITION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

***Method of Treating Dopaminergic and GABA-nergic Disorders***

the specification of which: \_\_\_\_\_ is attached hereto.

(check one) ☒ was filed on July 24, 1997 as Application Serial No. 08/900,220;

\_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I do not know and do not believe that the subject matter of this application was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the date of this application, and that said subject matter has not been patented or made the subject of an issued inventor's certificate in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months prior to the date of this application; that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application, that no application for patent or inventor's certificate on the subject matter of this application has been filed by me or my representatives or assigns in any country foreign to the United States, except those identified below, and that I have reviewed and understand the contents of the specification, including the claims as amended by any amendment referred to herein.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

**PRIORITY CLAIM**

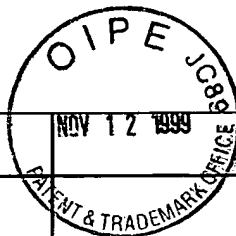
I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

Check one: ☒ no such applications have been filed.

\_\_\_ such applications have been filed as follows

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Country	Application Number	Date of Filing (month,day,year)	Priority Claimed Under 35 USC 119
			<input type="checkbox"/> Yes <input type="checkbox"/> No



		NOV 12 1999	_ Yes No
		PATENT & TRADEMARK OFFICE	_ Yes No

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION


PROVISIONAL PRIORITY CLAIM:: I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

Provisional Application Number(s)	Filing Date (mm/dd/yyyy)

( ) Additional provisional application numbers are listed on a supplemental priority sheet attached hereto.

#### CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application. As to subject matter of this application which is common to my earlier United States application, if any, described below, I do not believe that the same was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to said earlier application, or in public use or on sale in the United States more than one year prior to said earlier application, that the said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States on an application, filed by me or my legal representatives or assigns more than twelve months prior to said application and that no application for patent or inventor's certificate on said subject matter has been filed by me or my representatives or assigns in any country foreign to the United States except those identified herein.

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)



\* \* \* \* \*

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.


Donald W. Muirhead	Reg. No. 33,978	Charles H. Cella	Reg. No. 38,099
Beth E. Arnold	Reg. No. 35,430	John C. Gorecki	Reg. No. 38,741
Matthew P. Vincent	Reg. No. 36,709	Edward J. Kelly	Reg. No. 38,936
		Sayoko Blodgett-Ford	Reg. No. 40,516

Send Correspondence to: Patent Group  
Foley, Hoag & Eliot LLP  
One Post Office Square  
Boston, MA 02109

Direct Telephone Calls to: Matthew P. Vincent, Ph.D. (617) 832-1000

Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor Ping Jin	
Inventor's signature 	Date 10/30/99
Residence 8 Westland Avenue, #4, Boston, MA 02115	
Citizenship <del>US</del> China	
Post Office Address (if different)	

RECORDATION FORM COVER SHEET  
PATENTS ONLY

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

(Rev. 6/93)

OMB No. 0651-0011 (exp. 4/94) ONV-044.01

To the Honorable Commissioner of Patents and Trademarks: Please record file attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Ping Jin

Additional name(s) of conveying party(ies) attached? ( ) Yes (X) No

Name and address of receiving party(ies)

Name: Ontogeny, Inc.

Internal Address:

Street Address: 45 Moulton Street

City: Cambridge State: MA Zip: 02138

Additional name(s) &amp; address(es) attached? ( ) Yes (X) No

## 3. Nature of conveyance:

(X) Assignment

( ) Merger

( ) Security Agreement

( ) Change of Name

( ) Other \_\_\_\_\_

Execution Date: October 30, 1999

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s)

08/900,220

B. Patent No.(s)

Additional numbers attached? ( ) Yes (X) No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Patent Group

Internal Address: Foley, Hoag &amp; Eliot LLP

Street Address: One Post Office Square

City: Boston State: MA ZIP: 02109-2170

## 6. Total number of applications and patents involved: ( 1 )

7. Total fee (37 CFR 3.41).....\$ 40.00

(X) Enclosed

( ) Authorized to be charged to deposit account

## 8. Deposit account number:

06-1448

(Attached duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

## 9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

David P. Halstead, Reg. No. 44,735

Name of Person Signing and Reg. No.

Signature

November 5, 1999

Date

Total number of pages including cover sheet, attachments, and document: ( 2 )

Mail documents to be recorded with required covered sheet information to:  
Commissioner of Patents & Trademarks, Box Assignments  
Washington, D.C. 20231



## ASSIGNMENT

I, Ping Jin of Auburndale, MA, in consideration of One Dollar and other valuable consideration paid to me by Ontogeny, Inc., a corporation of the state of Massachusetts, having its principal place of business at 45 Moulton Street, Cambridge, Massachusetts, the receipt of which is hereby acknowledged, do hereby sell, assign and transfer unto said

### Ontogeny, Inc.

its successors and assigns, the entire interest for the United States of America and all foreign countries including all rights of priority under the International Convention for the Protection of Industrial Property in a certain invention or improvement in

#### *Method of Treating Dopaminergic and GABA-nergic Disorders*

described in application Serial No. 08/900,220 filed on 24 July 1997 in the United States Patent and Trademark Office, and in all Letters Patent of the United States and all foreign countries which may or shall be granted on said invention, or any parts thereof, or on said application, or any divisional, continuing, reissue or other applications based in whole or in part thereon. And I agree, for ourselves and our executors and administrators, with said corporation and its successors and assigns but at its or their expense and charges, hereafter to execute all applications, amended specifications, deed or other instrument, and to do all acts necessary or proper to secure the grant of Letters Patent in the United States and in all other countries to said corporation, with specifications and claims in such form as shall be approved by the counsel of said corporation and to vest and confirm in said corporation, its successors and assigns, the legal title to all such patents.

And I do hereby authorize and request the Commissioner of Patents and Trademarks of the United States to issue such Letters Patent as shall be granted upon said application or applications based thereon to said corporation, its successors and assigns.

WITNESS my hand this 30<sup>th</sup> day of October, 1999.

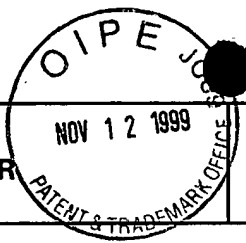
By: \_\_\_\_\_

Ping Jin

Then personally appeared the above-named Ping Jin and acknowledged the foregoing instrument to be his/her free act and deed, before me, this 30<sup>th</sup> day of October, 1999.

\_\_\_\_\_  
Witness signature

YUANXIN XU  
Witness Name (please print)



AMENDMENT TRANSMITTAL LETTER

Docket Number (Optional)

ONV-044.01

Application Number  
08/900,220

Filing Date  
July 24, 1997

Examiner  
M. Wilson

Group/Art Unit  
1633

Invention Title Method of Treating Dopaminergic and GABA-nergic Disorders

TO THE ASSISTANT COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.

- (X) Preliminary Amendment.
- (X) Declaration.
- (X) A copy of the Assignment.
- (X) Petition to Correct Inventorship.
- (X) Statement of Facts.
- (X) Consent of Assignee.
- (X) Check in the amount \$130.00 for petition fees.
- (X) Return Receipt postcard.

CLAIMS AS AMENDED

	(1)		(2)	(3)		
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT NUMBER EXTRA	RATE	FEE
TOTAL CLAIMS	62	minus	48	14	x \$18	252
INDEPENDENT CLAIMS	2	minus	18	2	x \$78	156
MULTIPLE DEPENDENT CLAIM ADDED					\$260	
					TOTAL	\$408
If applicant has small entity status under 37 CFR 1.9 and 1.27, then divide total fee by 2, and enter amount here.					SMALL ENTITY TOTAL	\$204

- \* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
  - \*\* If the highest number previously paid for IN THIS SPACE is less than 20, enter "20".
  - \*\*\* If the highest number previously paid for IN THIS SPACE is less than 3, enter "3".
- The "highest number previously paid for" (total or independent) is the highest number found in the appropriate box in column 1.

- ( ) Please charge **Deposit Account Number 06-1448** in the amount of \$\_\_\_\_\_. A duplicate copy of this sheet is enclosed.
- (x) A check in the amount of \$204.00 to cover the filing fee is enclosed.
- (x) The Commissioner is hereby authorized to credit any overpayment or charge any deficiencies to our **Deposit Account Number 06-1448**. A duplicate copy of this sheet is enclosed.

David P. Halstead  
Reg. No. 44,735

November 5, 1999  
Date

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on November 5, 1999.

  
Carmen Parra